

**DECLARATION AND POWER OF ATTORNEY
UTILITY PATENT**

DOCKET NO.: 19723-36396

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name and that I believe I am the original, first, and sole inventor (if only name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the invention entitled: **"Apparatus and Method for Remotely Powering Access Equipment Over a 10/100 Switched Ethernet Network"** which is described and claimed in the attached specification, and filed as provisional application no. 60/123,688 on March 10, 1999. I do not know and do not believe that the invention was ever known or used in the United States of America, or that the invention was ever patented or described in any printed publication in any country before my our X invention thereof or more than one year prior to this application. I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application. The invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a), and that no application for patent or inventor's certificate on this invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as follows:

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(not applicable)
(Number) (Country) (Day/Mo./Yr. Filed)

[] []
Yes No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of

the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/123,688
(Application Serial No.)

March 10, 1999
(Filing Date)

Pending
(Status)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

William C. Crutcher - Reg. No. 19,279

SEND CORRESPONDENCE TO:

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William C. Crutcher
203-597-5116

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Boris Katzenberg**

First inventor's signature: *Boris Katzenberg* Date: 3/6/2000

Residence: **48 Porters Hill Road, Trumbull, CT 06611** Citizenship: **U.S.A.**

Post Office Address: **(same as above)**

Full name of second joint inventor, if any: **Joseph A. Deptula**

Second inventor's signature: *Joe A. Deptula* Date: 3/6/00

Residence: **576 Mount Fair Drive, Watertown, CT 06795** Citizenship: **U.S.A.**

Post Office Address: **(same as above)**

FORM IN ACCORDANCE WITH 37 C.F.R. SECTION 1.63

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Approved for use through 09/30/2000, OMB 0651-0031
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)
 19723-36396

Applicant, Patentee, or Identifier: Katzenberg, et al.

Application or Patent No.: new

Filed or Issued:

Title: Apparatus and Method for Remotely Powering Access Equipment Over
a 10/100 Switched Ethernet Network

I hereby state that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Merlot Communications, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 4 Berkshire Boulevard
Bethel, Connecticut 06801

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Ronald M. Keenan

TITLE OF PERSON IF OTHER THAN OWNER Chief Technology Officer

ADDRESS OF PERSON SIGNING 10 Tilquist Road, Oxford, CT 06478

SIGNATURE

Ronald M. Keenan

DATE

3/9/99